



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Sherman W. Litton, Vice-Chairman  
Mr. Phillip G. Cunningham  
Mr. Russell J. Gulley  
Mr. Ronald K. Stack  
Mr. Thomas E. Jacobson, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Kirkland A. Turner, Development Manager,  
Community Development  
Mr. William D. Poole, Assistant Director,  
Development Review, Planning Department  
Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Senior Planner, Zoning and  
Special Projects, Planning Department  
Mr. Frederick L. Moore, III, Planner, Zoning and  
Special Projects, Planning Department  
Mr. J. Michael Janosik, Zoning Administrator,  
Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review, Planning Department

Mr. Zachary L. Robbins, Planner, Development  
Review, Planning Department  
Mr. David A. Hainley, Planning Administrator,  
Development Review, Planning Department  
Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. Steven F. Haasch, Planner, Advance Planning and  
Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Secretary, Administrative  
Branch, Planning Department  
Ms. Deanna D. Harkabus, Secretary, Administrative  
Branch, Planning Department  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Lola M. Rodriguez, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. James R. Banks, Assistant Director,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Ms. Joan Salvati, Water Quality Administrator,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Ms. Cynthia Owens-Bailey, Director of Planning,  
School Administration

### **WORK SESSION**

At approximately 12:00 p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.
- B. Review Day's Agenda.  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- C. Plans and Information Section Projects Update.
- D. Work Program – Review and Update.
- E. Action Relative to:
  - ♦ Set Date for Special Work Session to discuss draft Public Facilities Plan, Matoaca Village Plan and Demographic Trends relative to Growth Projections.
- F. Recommendation to the Board of Supervisors Relative to:
  - ♦ Proposed Code Amendments relating to Landscape Requirements.
- G. Discussion Relative to:
  - ♦ Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission amended the agenda to add a new Item H., Set Public Hearing Date to Consider a Code Amendment relating to Architectural Development Standards for the Courthouse Area Design Overlay District and related Ordinance Amendments.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**B. REVIEW DAY'S AGENDA.**

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the proposed Code Amendments relating to Landscape Requirements as well as requests to be considered during the Afternoon Session.

Mr. Hainley updated the Commission as to the status of, and staff's recommendation for, the proposed Code Amendment relating to Building Permit Restrictions and Relief from Legal Remedies for Violations, scheduled for public hearing during the Evening Session.

Messrs. Jacobson and Larson updated the Commission as to the status of, and staff's recommendation for, the proposed Code Amendment relating to fees for zoning, Special Exception, Variance and other Planning approvals, scheduled for public hearing during the Evening Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

**C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.**

There were no updates relative to Plans and Information Section projects.

**D. WORK PROGRAM.**

During discussion relative to the Commission's Work Program, it was on motion of Mr. Litton, seconded by Mr. Stack, that the Commission resolved to cancel a public hearing scheduled on June 17, 2003, to consider the Fire Emergency Access Policy and to table the matter indefinitely.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Further, it was the consensus of the Commission to schedule the following items for discussion at the June 17, 2003, Work Session:

- ◆ Subdivision Lot Area Requirements relative to Electric Transmission and Gas Pipeline Easements and Floodplains, Wetlands and Buffers;
- ◆ Residential Access Study (Connectivity Policy); and
- ◆ Residential Density Calculation (Lot Area Definition).

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their June 2003 Work Program, as outlined by Mr. Jacobson.

**E. ACTION RELATIVE TO:**

- ◆ **SET DATE FOR SPECIAL WORK SESSION TO DISCUSS DRAFT PUBLIC FACILITIES PLAN, MATOACA VILLAGE PLAN AND DEMOGRAPHIC TRENDS RELATIVE TO GROWTH PROJECTIONS.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission scheduled a Special Work Session on June 19, 2003, at 2:00 p.m., in the Chesterfield County Government Center, Administration Building, Room 502 Conference Room, to discuss the draft Public Facilities and Matoaca Village Plans and Demographic Trends relative to Growth Projections.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**F. RECOMMENDATION TO THE BOARD OF SUPERVISORS RELATIVE TO:**

- ◆ **PROPOSED CODE AMENDMENTS RELATING TO LANDSCAPE REQUIREMENTS.**

Mr. Allen presented an overview of the proposed Code Amendments relative to Landscape Requirements and staff's recommendation for approval

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Cunningham, that the Commission resolved to recommend approval of the following Code Amendments:

(1) *That Section 19-225 of the Code of the County of Chesterfield, 1997, as amended, be repealed and Sections 19-105, 19-111, 19-264, 19-505, 19-516, 19-517, 19-518, 19-519, 19-520, 19-521, 19-522, 19-523, 19-582, 19-583, 19-584, 19-593, 19-601 and 19-602 be amended and re-enacted to read as follows:*

**Sec. 19-105. Required conditions.**

The purpose and goal of the following conditions is to create developments that protect against overcrowding, undue density of population, obstruction of light and air and that are attractive, convenient and harmonious. To this end, buildings should be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Townhouse buildings should possess architectural variety but enhance an overall cohesive residential character. Character should be achieved through the creative use of design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied rooflines or other appurtenances such as lighting fixtures and/or planting. Townhouse rows of more than six units shall be clustered and employ sufficient variety of setbacks between units to avoid monotonous facades and bulky masses.

The conditions specified in this section shall be met in the R-TH District, except as noted in section 19-106:

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- (l) *Frontage on public street.* All lots shall have frontage on a public street, or access thereto by common right-of-way within 500 feet. Townhouse lots not fronting on a public street shall front on paved accessways designed and constructed in accordance with VDOT paving specifications for subdivisions and secondary roads. All public and private streets within an R-TH project shall install street trees in conformance with Sec. 19-518(h) Street trees.

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#### **Sec. 19-111. Required conditions.**

The purpose and goal of the following conditions is to create a development which protects against overcrowding, undue density of population, obstruction of light and air, and which is attractive, convenient and harmonious. To this end, buildings should be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings should possess architectural variety but enhance an overall cohesive residential character. Character shall be achieved through the creative use of design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting.

The conditions specified in this section shall be met in the R-MF District except as specified in section 19-112.

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- (d) *Setbacks from roads and property lines.* All structures shall be set back a minimum of 25 feet from interior private driveways. If the structure is 48 feet or more in height, the setback may be reduced to 20 feet where adjacent to a fire lane. Structures shall be set back at least 15 feet from any parking space and at least 50 feet from any proposed right-of-way. All structures shall be set back a minimum of 50 feet from all property lines, unless adjacent to another multifamily residential district, in which case a minimum setback of 30 feet shall be maintained. All perimeter yards shall be planted per the requirements of Perimeter landscaping C. Apartment buildings constructed along an adjacent or internal public road shall front that road.

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- (g) *Driveways and parking areas.* All roads, driveways and parking areas shall have concrete curbs and gutters, and the requirements for surface parking area landscaping per Section 19-519 shall be met. All private driveways and parking areas shall be at least 15 feet from the right-of-way of any existing or proposed public road except for those roads indicated on the comprehensive plan as major arterials, where the setback shall be increased to 50 feet. In all cases, these setbacks are subject to the provisions of section 19-555 of the Development Standards Manual.

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## **DIVISION 2. ~~BUFFER AND SCREEN MODIFICATIONS~~ RESERVED**

### **Sec. 19-225. ~~Waiver or modification of buffer and screening standards.~~ Reserved.**

(a) ~~Except for buffers required by the board of supervisors or by the board of zoning appeals, any buffer and screening requirements may be waived and/or modified by the planning commission during schematic or site plan review and approval under any of the following circumstances:~~

- (1) ~~If the strict application of the buffer or screening requirement reduces the usable area of a lot, due to lot configuration or size, to a point that would preclude a reasonable use of the lot, then buffer and/or screening requirements may be waived or modified during the site plan process, provided the side or rear of a building, a barrier and/or the land between that building and the property line, has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.~~
- (2) ~~If the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.~~
- (3) ~~If the adjoining land is designated in the comprehensive plan for a use that would not require buffers or screens.~~
- (4) ~~If the adjoining property is used for any public purpose other than a school, day care center or hospital.~~
- (5) ~~If the adjacent lot is in an R, R-TH, R-MF or A District and is used for a compatible use permitted by a special exception or a conditional use.~~
- (6) ~~If the topography is such that the buffer and screening requirements would not be effective or if topographic differences minimize adverse impacts without additional improvements.~~
- (7) ~~If the buffers or screens are to be between uses to be developed under a common development plan.~~

~~(8) — If the adjacent lot is zoned R, R-TH, R-MF or A and is undevelopable for residential uses because it is a resource protection area.~~

~~(b) — Except for buffers required by the board of supervisors or by the board of zoning appeals, the buffer and screening requirements may be waived and/or modified during the site plan process under any of the following circumstances:~~

~~(1) — When the adjacent lot is in an R, R-TH or R-MF District and is occupied by a nonresidential use. If the adjacent lot is vacant, its use shall be considered residential unless the comprehensive plan designates it for nonresidential use.~~

~~(2) — When the parcel is located within the Chester Village Area, adjacent property is not designated by the comprehensive plan for single family land uses and the Chester Village requirements of section 19-609 of the Development Standards Manual have been met.~~

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#### **Sec. 19-264. Preparation and submission of site plans.**

~~(a) Site plans, or any portion thereof except landscape plans, involving engineering, landscape architecture, architecture or land surveying, shall be prepared or certified respectively by a state registered engineer, landscape architect, architect or land surveyor as allowed by state code. Landscape plans shall be prepared by a state registered landscape architect, nurseryman, or landscape designer.~~

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#### **Sec. 19-505. Measurement of yards.**

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~~(e) For purposes of determining yard setbacks, the setback shall be measured from a 160-foot right-of-way in those instances where 200-foot right-of-way has been dedicated to the county in the following locations:~~

~~(1) Route 360, from Route 288 to the Amelia County line;~~

~~(2) Route 10:~~

~~a. From Irongate Drive to Courthouse Road;~~

~~b. From Krause Road to Buckingham Street;~~

~~c. From I-95 to Hopewell corporate limits.~~

Buildings, drives and parking within office, commercial and industrial districts:

The minimum setback area for buildings, drives and parking areas along Route 360 and Route 10 as listed in this Section, located outside of buffers, floodplains, wetlands and RPAs shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the minimum setback along these roads an additional 20 feet. Provided, however, the setback along these roads need not be increased by more than 90 percent of the amount of reducible side and rear yard area outside of buffers, floodplains, wetlands and RPAs. Side and rear yard setback area outside of buffers, floodplains, wetlands and RPAs may be reduced at a ratio of 1.1 square feet for each.

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### Subdivision III. Landscaping

#### **Secs. 19-516. Purpose and intent--Landscaping.**

A comprehensive landscaping program for each individual lot or parcel is essential for the visual enhancement of the county and to protect and promote the appearance, character and economic values of land. Whenever possible, maintenance of the existing topography is encouraged. The purpose and intent of such landscaping requirements is also to: (i) reduce the ~~visibility~~ visual impact of paved areas from adjacent properties and streets, (ii) moderate climatic effects, (iii) minimize noise and glare, (iv) enhance public safety by defining spaces to influence traffic movement, (v) reduce the amount of stormwater runoff, ~~and~~ (vi) provide transition between neighboring properties, and (vii) promote environmental stewardship.

#### **Secs. 19-517. Landscaping plan and planting requirements.**

(a) A At a minimum, a conceptual landscaping plan shall be submitted in conjunction with final site plan review approval. A detailed landscape plan must be submitted and approved prior to the release of a temporary certificate of occupancy.

(b) ~~The landscaping plan shall be drawn to scale, shall include dimensions and distances, and shall delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways and the location, size and description of all landscaping materials.~~ If a conceptual landscape plan is submitted for site plan approval, the plan shall show all site improvements including easements and rights of way, fire hydrant locations, and a conceptual site lighting layout if site is to be lit, and be drawn to scale. The plan shall include dimensions and distances of perimeter yards and buffers and related landscape requirements for each yard or buffer, interior parking lot areas, BMP areas, and other landscape requirements, and show general layout of existing and proposed trees and shrubs, designating them as large or small deciduous trees, evergreen trees, medium shrubs, and small shrubs/groundcovers. When a detailed landscape plan is submitted, all information required on the conceptual plan shall be shown, but specific plant species shall be shown for each of the general plant types, plant sizes shall be specified, and any details, notes, and any plan specific requirements shall be included. Plans submitted prior to land disturbance may be re-evaluated after completion of grading to determine quality of remaining trees, changes to slopes and/or drainage, or other issues that may affect the landscape design. If such a re-evaluation requires revisions to the approved landscape plan, a review fee shall not be applied.

#### **Secs. 19-518. Plant material specifications.**



(a) *Quality:* All plant materials shall be alive and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

(b) *Minimum size standards:*

- (1) *Small deciduous trees:* Small deciduous trees shall be of a species ~~having an average that reach a~~ minimum mature crown spread of greater than 12 feet within 10 years. At the time of planting, a minimum caliper of at least two and one-half inches shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum caliper shall be reduced to two inches. Multi-stem plants shall be a minimum of 8 feet tall.
- (2) *Large deciduous trees:* Large deciduous trees shall be of a species ~~having an average that reach a~~ minimum mature crown spread of greater than 30 feet within 20 years. At the time of planting, a minimum caliper of at least ~~three~~ two and one-half inches shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum caliper shall be reduced to two inches. Multi-stem plants shall be a minimum of 10 feet tall.
- (3) *Evergreen trees:* Evergreen trees shall be of a species that will reach a minimum height of 18 feet within 20 years. At the time of planting, A a minimum height of five seven feet at the time of planting shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum height shall be reduced to six feet.
- (4) *Medium shrubs:* Medium shrubs shall be of a species that reach a minimum height of 3 feet in 5 years. A minimum height of two feet eighteen inches shall be required at the time of planting.

(c) *Landscaping design:* Generally, planting required by this subdivision should be in an irregular line and spaced at random, except where otherwise indicated in any applicable, officially adopted plans and guidelines for landscaping. Clustering of plants and tree species shall be required to provide a professionally acceptable composition and mix of vegetation. Decorative walls and fences may be integrated into any landscaping program. The use of such walls or fences, having a minimum height of three feet, may reduce the amount of required plant materials as determined at the time of site or schematic plan approval.

(d) *Tree preservation:* Whether parcels are developed or undeveloped, Ppreservation of existing trees and shrubs within required setbacks along public roads and required buffers shall be maximized to provide continuity and improved buffering and to minimize new landscaping that needs watering. Except when necessary to provide access, any All trees that are eight inches or greater in caliper, located within the setback from a public right-of-way, shall be retained unless removal is necessary to accommodate vehicular access and/or utilities that run generally perpendicular through the setback, and which is approved through site, subdivision or schematic plan review with exact locations of access and utilities determined by the director of planning. Existing trees may have lower branches removed up to one third of the current height of each tree to provide visibility into the site. Any healthy existing tree or shrub may be included for credit towards this subdivision's requirements as long as credited existing vegetation is reasonably distributed throughout the length of the setback area. If any preserved tree or shrub that has been credited dies within three years of construction, one tree or shrub shall be planted for each tree or shrub lost. The removal of existing trees in required setbacks from public roads and buffers without written approval from the Planning Department shall

result in two trees or shrubs being planted for each tree or shrub removed. All existing vegetation which is to be preserved on the site shall be shown on the required landscaping plan and grading and erosion control plans, or when there are groups of trees or shrubs, such groups may be outlined. Any existing trees to be removed shall be clearly delineated on the landscaping plan and grading and erosion control plan. Existing tree groups that are too dense to support healthy forest growth or setbacks that include diseased or dying trees shall be evaluated by the planning department at the request of the owner for trees that can be approved for removal. Land disturbance other than for access or utilities is allowed in setbacks along public rights-of-way, as long as the land disturbance is no closer to existing trees than is established by one foot of radius for a root protection zone for each inch of trunk diameter measured at four and one half feet above grade (dbh-diameter at breast height). However, under no circumstances shall the root protection zone be required to extend beyond the setback limits. All limits of land disturbance and tree protection around and in the setback shall be clearly documented on the landscape, grading and erosion control plans.

(e) *Maintenance:* The owner or his agent shall be responsible for the maintenance, repair and replacement of all required landscaping materials. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. ~~All unhealthy, dying or dead plant materials shall be replaced during the next planting season.~~ All landscaped areas shall be provided with a readily available water supply; except that in I-2 or I-3 districts, a readily available water supply shall only be required in the setback along any public right-of-way, which accommodates or is intended to accommodate through traffic. Any of the following options may be used to eliminate part or all of the requirement for water availability to plant materials: (1) using plants specified as having a low water need in the Chesterfield County Plant Materials List, (2) plants located in stormwater management or BMP facilities, and/or (3) provide a continuous maintenance, watering, and replacement program for plant materials with a reputable landscape maintenance company for a minimum of three years. Prior to the end of a year after completion of landscaping, each site shall be inspected by the planning department to verify that existing and/or new landscaping is in a healthy growing condition. All unhealthy, dying or dead plant materials or pollarded trees shall be replaced during the next planting season.

(f) *Installation and bonding requirements:*

- (1) All landscaping shall be installed in accordance with professionally accepted landscaping practices and procedures. Landscaped areas shall require protection from vehicular encroachment by such means as, but not limited to, wheel stops, concrete or bituminous curbs.
- (2) When landscaping is required, no certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscaping plan. When the occupancy of a structure is desired prior to the completion of the required landscaping, a temporary certificate of occupancy may be issued only if the owner or developer provides a form of surety satisfactory to the director of planning in an amount equal to the costs of completing the required landscaping.
- (3) All required landscaping shall be installed and approved by the first planting season following issuance of a temporary certificate of occupancy or the surety described above may be forfeited to the county. This requirement shall not preclude the phasing of landscaping

programs for larger development projects, the timing of which shall be approved by the director of planning.

(4) A form of surety shall also be provided in an amount equal to fifty percent of the installation cost to cover replacement of landscaping identified by the one year inspection by the planning department of all unhealthy, dying or dead plant materials or pollarded trees, and which shall be replaced during the next planting season. If a form of surety is provided for landscaping prior to the initial site landscaping, the surety may also state replacement landscaping is covered as noted above. Any project that requires a landscape materials cost of one thousand dollars (\$1,000.00) or less shall not be required to post a landscape replacement bond.

(5) The County may, at its discretion, establish a program in lieu of a replacement bond to ensure that all plants identified for replacement by the County's one-year inspection have been replaced.

(g) *Perimeter landscaping:* Landscaping shall be required at the outer boundaries of projects and in the required yards of a lot, parcel or development, except when driveways or other openings may be required. There shall be different landscaping requirements in yards and parking areas, as identified herein and in the particular districts, which shall be provided as follows:

(1) *Perimeter landscaping A:*

- a. At least one small deciduous tree for each 50 lineal feet and at least one evergreen tree for each 50 lineal feet;
- b. At least one medium shrub for each 20 lineal feet; and
- c. Low shrubs and ground cover used appropriately in tree and/or shrub beds ~~reasonably dispersed throughout.~~

(2) *Perimeter landscaping B (option I):*

- a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;
- b. At least one small deciduous tree for each 50 lineal feet;
- c. At least one medium shrub for each 15 lineal feet; and
- d. Low shrubs and ground cover used appropriately in tree and/or shrub beds ~~reasonably dispersed throughout.~~

(3) *Perimeter landscaping B (option II):*

- a. Adjacent to a public road: A minimum An average three-foot high undulating berm with 3:1 maximum side slopes designed to provide topographical interest yet maintain

reasonable visibility into parking areas; and installation of Perimeter Landscape B minus small deciduous trees. If overhead utility lines conflict with large deciduous trees, planting areas or islands shall be installed adjacent to the setback with a minimum size of 300 square feet per required tree. In this case, each tree may also be credited towards the surface parking lot tree requirements; and

- b. Perimeter landscaping A. In side and rear yards between parcels zoned O, C or I: Large maturing deciduous trees generally spaced thirty-five feet on center with evergreen shrub hedgerows planted the length of adjacent parking areas that grow to or are maintained at a 3-4 foot height maximum.

(4) *Perimeter landscaping C (option I):*

- a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;
- b. At least one small deciduous tree for each 30 lineal feet;
- c. At least one medium shrub for each ten lineal feet; and
- d. Low shrubs and ground cover used appropriately in tree and/or shrub beds reasonably dispersed throughout.

(5) *Perimeter landscaping C (option II):*

- a. A minimum four-foot high undulating berm; and Adjacent to a public road: An average three-foot high undulating berm with maximum side slopes of 3:1 designed to provide topographical interest yet maintain reasonable visibility into parking areas; and installation of Perimeter Landscape B. If overhead utility lines conflict with large maturing deciduous trees, planting areas or islands shall be installed adjacent to the setback with a minimum size of 300 square feet per required tree. In this case, each tree may also be credited towards the surface parking lot tree requirements.
- b. Perimeter landscaping B. In buffers: A minimum four-foot-high berm with 3:1 maximum side slopes and Perimeter Landscape B. Multiply Perimeter Landscape B as required for buffers fifty feet or wider.

(6) *Perimeter landscaping D:*

- a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;
- b. At least one small deciduous tree for every 50 lineal feet;

- c. At least one medium shrub for every five lineal feet; or continuous hedge forms for the entire lot width or a continuous picket fence for the entire lot width, no shorter than three feet and no taller than four feet, painted white or whitewashed; and
- d. Low ground cover interspersed into tree and/or shrub beds ~~reasonably dispersed throughout.~~

(7) *Perimeter landscaping E:*

- a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;
- b. At least one small deciduous tree for every 30 lineal feet;
- c. At least one medium shrub for every five lineal feet; or continuous hedge forms for the entire lot width, no shorter than three feet at planting; or a continuous decorative wood or pvc fence, wrought-iron fence or brick wall for the entire lot width, no shorter than three feet and no taller than four feet; and
- d. Low shrubs and ground cover interspersed into tree and/or shrub beds ~~reasonably dispersed throughout.~~

(8) *Perimeter landscaping F:*

- a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;
- b. At least one small deciduous tree for every 30 lineal feet;
- c. Continuous hedge forms for the entire lot width, no shorter than three feet at planting; or a continuous ~~wood~~ screening fence or ~~masonry screening~~ wall constructed of the ~~same materials used in the buildings~~ for the entire lot width, no shorter than five feet and no taller than six feet; and
- d. Low shrubs and ground cover interspersed into tree and/or shrub beds ~~reasonably dispersed throughout.~~

(9) *Perimeter landscaping G:*

- a. At least one large deciduous tree for each 50 lineal feet;
- b. Continuous evergreen hedge forms that grow to or are maintained at a 3-4 foot height maximum planted along the entire length of parking lot areas, ~~no shorter than three feet at planting, for the entire parking lot width;~~ and

- c. Low shrubs and ground cover interspersed into tree and/or shrub beds reasonably dispersed throughout.

(10) *Perimeter landscaping H:*

- a. At least one large deciduous tree for each 50 lineal feet.

(11) *Perimeter landscaping I:*

- a. At least one and one-half (1.5) times perimeter landscaping C (option I).

(12) Perimeter landscaping J:

- a. One large deciduous tree generally spaced at 35 feet on center, and
- b. A double staggered hedgerow of evergreen medium shrubs for the full length of all parking areas, and
- c. Low shrubs and/or groundcovers in planting beds at entrances.

During plan review, the director of planning may consider, at his option, other planting alternatives to Perimeter landscaping J based upon reduced averaged setbacks, utility conflicts, and/or signage visibility.

(h) *Street trees:* During the subdivision process, required street trees shall be shown on a plan showing the proposed tree locations, species and caliper, and submitted to and approved by the director of planning and VDOT. The street tree plan shall be submitted as a part of the construction plans.

- (1) Unless otherwise required, trees at a maximum spacing of 40 feet on center shall be located no greater than five feet outside of the right-of-way in an easement granted to the homeowners association or within the right-of-way if approved by VDOT. For single trunk trees the minimum allowable caliper measured four feet above grade shall be two and one half inches. Multistem trees shall have a minimum of three canes and be a minimum of ten feet in height. Species selected for planting shall be suitable for growing in this vegetative zone and shall be drought tolerant.
- (2) The subdivider or developer shall at their expense install all required street trees identified on the approved plans prior to recordation or surety shall be provided in the amount approved by the director of planning and in a form accepted by the county attorney's office, sufficient to guarantee installation. Any surety shall be held by the director of planning. Installation within a subdivision shall be completed prior to state acceptance of the subdivision's streets.
- (3) Required street trees shall be guaranteed by the installer for a period of not less than one year. Replacement of dead trees is required in accordance with section 19-518(d). Maintenance responsibilities of the required street trees within a subdivision shall be specified on the final check plan and record plat to be the responsibility of the homeowners association.

Street trees shall not be removed during or after residences are constructed. Trees removed shall be replaced with a like species and in a size comparable to the original planting.

(i) Landscaping of Best Management Practices (BMP): Any BMP required for water quantity or quality control and that is located in public view shall be landscaped and otherwise improved so that the facilities are visually enhanced. These improvements shall include landscaping of sloped edges above full water elevation, and shall include any of the following as required by the director of planning: fountains (wet ponds), curvilinear pond forms, varied contouring of land forms (dry ponds), or other enhancement method as deemed appropriate. Any fencing used shall be of an ornamental design. At the time of site plan review, a plan depicting these requirements shall be submitted for review and approval. Under no circumstances shall requirements for landscaping interfere with any County requirements for the basin design, access, or maintenance.

#### **Sec. 19-519. Landscaping standards for surface parking areas.**

(a) *Quantity:* Any paved parking area shall have at least ~~20~~ 30 square feet of interior landscaping for each space. Each required landscaped area ~~for large deciduous trees shall contain a minimum of 400~~ 250 square feet and have a minimum dimension of at least ~~nine~~ 15 feet at the location of a tree. ~~Each required landscaped area for small deciduous trees shall contain a minimum of 150 square feet and have a minimum dimension of at least nine feet at the location of a tree.~~ Continuous planting islands for large or small deciduous trees of at least 600 square feet in size shall have a minimum dimension of nine feet. A maximum of ten percent of the required area may be in smaller areas if approved through site or schematic plan review.

(b) *Materials:* The primary landscaping material used in parking areas shall be trees that provide shade or are capable of providing shade at maturity. Except as required by section 19-608(b), at least fifty percent of required trees in the parking areas shall be large maturing shade trees ~~each required landscaped area shall include at least one small tree, as outlined in this subdivision.~~ The total number of trees shall not be less than one for each 200 square feet, or fraction thereof, of required interior landscaped area. The remaining area shall be landscaped with shrubs and other vegetative material as may be approved at the time of site plan approval compatible with the tree landscaping. Under no circumstances shall plantings block the sight line of motorists at driveway intersections.

(c) *Design:* Landscaped areas shall be reasonably dispersed, located so as to divide the expanse of paving. The County encourages the use of continuous planting islands wherever possible to minimize individual planting islands. Continuous planting islands shall be used to ~~Landscaped areas shall also define entrance driveways, and within parking areas,~~ walkways. No areas within the required setbacks shall be included as part of the required parking area or landscaping area. Landscaping in Best Management Practice bio-retention islands located within parking areas shall count towards required parking lot landscaping.

#### *Subdivision IV. Buffers and Screening*

#### **Secs. 19-520. Purpose and intent.**

(a) Buffers shall be designed to provide a horizontal distance and open space between certain uses; preserve vegetation; provide transition and separation; reduce noise and glare; and/or maintain privacy. Buffers shall provide intermittent visual separation between uses.

(b) Screening shall provide a vertical barrier and shall be designed to block visual or noise impact. When unrelated activities are located adjacent to one another, buffers and screening as required herein shall be used to ensure compatibility between adjacent uses.

**Secs. 19-521. General provisions for buffers and screening.**

(a) In addition to the buffers required herein, the board of supervisors; planning commission by modifications to development standards and requirements only; or board of zoning appeals may require buffers at the time of their final decision on applications before them. Buffers shall be of such length, width and type as will effectively and appropriately buffer one use from another use where such uses are deemed to be incompatible, whether such uses are within the same districts or in different districts. Such buffers shall not be used for any purpose other than as permitted herein, or as permitted by the action of the board of supervisors, planning commission or board of zoning appeals.

(b) Existing mature vegetation located within required buffers shall be maintained unless removal is approved during schematic, subdivision or site plan review. Further, preserved vegetation may be substituted for required landscaping materials if approved during schematic, subdivision or site plan review.

(c) Buffers shall be provided on the lot or parcel being developed with all buffers complying with pursuant to the matrix contained in section 19-523. On zoning lots with split zoning, any A, R, R-TH, or R-MF zoned portion of the land within the zoning lot may be used for the purpose of part or all of the required buffer when designated as a buffer in a perpetual easement as measured from the Zoning District line. The perpetual buffer easement shall only be allowed if approved during schematic, subdivision, or site plan review, and shall be recorded as such with the County Clerk and included with the electronic submission of plans to the County prior to issuance of the land disturbance permit. If a split zoned lot is created through the resubdivision of residentially platted property, final plats shall be re-recorded that reflect the changes to the residential lots.

~~(d) When the development is to contain more than one use or group of uses, the more stringent requirements of the matrix shall apply.~~

~~(e)(d)~~ Except as allowed by Sec. 19-521(c), B Buffers shall be required at the outer boundaries of a lot along the rear and/or side property lines and shall be provided except where ~~driveways or other~~ openings may be required, as approved at the time of site plan approval.

~~(f)(e)~~ Unless otherwise specified, buffers shall be inclusive of required yards.

~~(g)(f)~~ When required, screening shall provide complete visual separation of outside storage, loading docks, overhead doors, service areas, trash collection storage areas, vehicle storage yards and similar uses.

~~(h)(g)~~ The only uses permitted by right in buffers shall be landscaping and screening as permitted herein; however, signs; security fencing; utilities which run generally perpendicular through the buffer; pedestrian walkways; or similar uses may be permitted through subdivision, site or schematic plan review, provided that the uses are consistent with the purposes stated in § 19-520 are maintained.

~~(i)(h)~~ Except for buffers required by the board of supervisors as a condition of zoning or by the board of zoning appeals, the requirements for buffers and screening may be waived and/or modified by the planning commission during schematic or site plan review and approval under any of the following conditions:



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**Secs. 19-522. Buffer and screening requirements.**

(a) *Buffers:* Buffers shall be provided as shown on the buffer width matrix in section 19-523. Landscaping shall be accomplished within required buffers as follows:

- (1) A buffer less than 50 feet shall consist of an unbroken strip of open space and shall be planted in accordance with perimeter landscaping C.
- (2) A 50-foot buffer shall consist of an unbroken strip of open space and shall be planted at one and five-tenths times the density of perimeter landscaping C:
- (3) A 75-foot buffer shall consist of an unbroken strip of open space and shall be planted at two times the density of perimeter landscaping C.
- (4) A 100-foot buffer shall consist of an unbroken strip of open space and shall be planted at two and five-tenths times the density of perimeter landscaping C.

For all buffers, up to fifty percent of the required small maturing deciduous trees may be changed to evergreen trees.

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**Secs. 19-523. Buffer width matrix.**

The required width of buffers shall be determined from the following matrix. The left column of the matrix represents the zoning use of the zoning lot on which the buffer must be provided and the top column of the matrix represents the zoning district use of property contiguous to the zoning lot. The interior numbers in the matrix represent the width in feet of the required buffer on the zoning lot. However, whenever the primary use on a parcel zoned O, C or I is a single family residential subdivision, adjacent parcels shall be required to apply the buffer matrix below as though the property is residentially zoned.

**BUFFER WIDTH MATRIX**

		R-7/88 R-TH/R-MF MH Districts
A*	A*	
	+	+
R-7/88	+	+
R-TH/R-MF	+	50**
MH Districts	+	50**
O-1	+	40
O-2	+	50
C-1	+	40

C-2	+	50
C-3	+	75
C-4	+	75
C-5	+	100
I-1	+	50
I-2	+	75
I-3	+	100

\*Note: Buffers are only required adjacent to ~~vacant~~ property zoned "A" ~~shall be determined based when the property's is vacant and its~~ designation on the comprehensive plan is for residential uses.

\*\*Note: Where property zoned R-7 through R-88 is adjacent to property zoned R-TH, R-MF, or MH, a buffer shall be required on the R-TH, R-MF, or MH property. No buffers are necessary between any single-family residential districts unless required by the board of supervisors, planning commission (modification to development standards and requirements only) or board of zoning appeals.

#### **Sec. 19-582. Exceptional development standards in the Jefferson Davis Highway Corridor.**

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(b) *Landscaping:* No interior parking lot or perimeter landscaping shall be required except along public roads, as required by Sec. 19-583 and 19-584. Perimeter landscaping H shall be installed in all front and corner side setbacks, except when parking or driveways are located at the ultimate right-of-way line. Tree preservation, in accordance with sections 19-518(d) and 19-521(b) shall be required, except where parking or driveways are located within 10 feet of at the ultimate right-of-way line.

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#### **Sec. 19-583. Setback requirements for O, C and I-1 Districts within the Jefferson Davis Highway Corridor.**

(a) The minimum setback for all buildings, drives and parking areas in O, C and I-1 districts shall be as follows:

(1) Setbacks along public roads, excluding limited access roads:

- a. *Buildings:* The minimum setback shall be 25 feet. Perimeter landscaping H shall be installed in all front and corner side setbacks except when parking or driveways are located less than 10 feet from the ultimate right-of-way line.
- b. *Drives and parking:* ~~There shall be no minimum setback f~~or parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length, a minimum 10 feet setback shall be maintained and planted with Perimeter Landscape H. Alternatively, a setback of 5 feet may be used with small maturing trees planted generally at 35 feet on center. This setback may be eliminated entirely if the site is designed to provide for tree islands spaced every 4 parking spaces adjacent to the public right of way with a minimum width of 7

feet and planted with small maturing trees. The minimum setback for parking and storage of other vehicles shall be 50 feet with driveways accessing these parking and storage areas having a minimum setback of 10 feet with Perimeter Landscape H.

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**Sec. 19-584. Setback requirements for I-2 and I-3 Districts within the Jefferson Davis Highway Corridor.**

(a) *Jefferson Davis Highway Corridor:* The minimum setbacks for all buildings, drives and parking areas in I-2 and I-3 districts shall be as follows:

(1) Setbacks along public roads, excluding limited access roads:

a. *Buildings:* The minimum setback shall be 60 feet.

b. *Drives and parking:* ~~There shall be no minimum setback for parking areas.~~ For parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length, a 10 foot setback shall be maintained and planted with Perimeter Landscape H. Alternatively, a setback of 5 feet may be used with small maturing trees planted generally at 35 feet on center. This setback may be eliminated entirely if the site is designed to provide for tree islands spaced every 4 parking spaces adjacent to the public right of way with a minimum width of 7 feet and planted with small maturing trees. The minimum setback for parking and storage of other vehicles shall be 50 feet with driveways accessing these parking and storage areas having a minimum setback of 10 feet with Perimeter Landscape H.

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**Sec. 19-593. Yard requirements for office, business and industrial districts within emerging growth areas.**

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(d) *Setbacks along limited access roads and rear yards:* The minimum rear yard setback for buildings, drives and parking areas and any yard adjacent to a limited access road shall be 40 feet with the installation of perimeter landscaping A C. However, within I-2 and I-3 districts, when adjacent to I-2 or I-3 districts, perimeter landscaping within rear yards shall not be required. One foot shall be added to each rear yard for each one foot that the building height adjacent thereto exceeds 45 feet.

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**Sec. 19-601. Yard requirements for office, business and industrial districts within post-development areas.**

Except when lesser setbacks are permitted by section 19-582 or 19-584, the yard requirements

specified in this section shall apply to any zoning lot or parcel.

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- (3) *Front and corner side yards:* The front and corner side yard setback for buildings shall be a minimum of 30 feet from the proposed rights-of-way other than major arterials and limited access roads; except that in an I-2 District, building setbacks shall be increased to 60 feet and in an I-3 District to 90 feet. The setback for drives and parking areas shall be a minimum of 15 feet from existing or proposed rights-of-way. Within these setbacks, landscaping shall be provided in accordance with perimeter landscaping A<sub>J</sub>.

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**Sec. 19-602. Permitted variations in yard requirements.**

The required minimum yards for any zoning lot or parcel, except those located in an I-2 or I-3 District or adjacent to limited access roads, may be reduced with the provision of a change in additional landscaping and/or if adjacent property is zoned for a similar use, as follows:

- (1) *Setbacks along major arterials:* The required setback for buildings, drives and parking areas along major arterials may be reduced to 25 feet with the installation of perimeter landscaping C<sub>J</sub>.
- (2) *Front and corner side yards:* The required front and corner side yard setback for buildings along public rights-of-way other than major arterials may be reduced to 25 feet with the installation of perimeter landscaping B<sub>J</sub>.
- (2) *That this ordinance become effective immediately upon adoption. (1923:60721.2-05/21/03 2:05 p.m.)*

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**G. DISCUSSION RELATIVE TO:**

- ◆ **GUIDELINES FOR REVIEW OF SUBSTANTIAL ACCORD DETERMINATION AND/OR ZONING APPROVAL FOR COMMUNICATIONS TOWER LOCATIONS.**

Ms. Orr presented an overview of suggested possible amendments to the Guidelines For Review Of Substantial Accord Determination And/Or Zoning Approval For Communications Tower Locations Policy.

Upon conclusion of the discussion, the Commission directed staff to provide the Commission with draft Policy Amendments and related Ordinances for discussion at a future Work Session.

**H. SET PUBLIC HEARING DATE TO CONSIDER A CODE AMENDMENT RELATING TO ARCHITECTURAL DEVELOPMENT STANDARDS FOR THE COURTHOUSE AREA DESIGN OVERLAY DISTRICT AND RELATED ORDINANCE AMENDMENTS.**

On motion of Mr. Litton, seconded by Mr. Cunningham, the Commission set the date of June 17, 2003, at 7:00 p. m., for a public hearing to consider a Code Amendment relating to Architectural Development Standards for the Courthouse Area Design Overlay District and related Ordinance Amendments.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

### **3:00 P. M. AFTERNOON SESSION**

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

#### **A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### **B. APPROVAL OF PLANNING COMMISSION MINUTES:**

##### **◆ April 15, 2003.**

Mr. Jacobson stated that the first order of business would be the consideration of the April 15, 2003, Planning Commission minutes.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission resolved to approve the April 15, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.  
ABSENT: Mr. Gulley, as he was not present at the meeting.

#### **C. RESOLUTION RECOGNIZING MR. HARRY L. MARSH FOR SERVICE TO THE CHESTERFIELD COUNTY PLANNING COMMISSION.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission adopted the following resolution:

**WHEREAS**, Harry L. Marsh diligently and effectively served Chesterfield County and his fellow Planning Commission members as the Matoaca District representative to the Planning Commission from January 1992 to March 2002; and

**WHEREAS**, Mr. Marsh served as Planning Commission Chairman in 1994, 1995, and 2001 and Planning Commission Vice-Chairman in 1998 and 2000; and

**WHEREAS**, Mr. Marsh provided excellent leadership on difficult and controversial issues facing the Planning Commission; and

**WHEREAS**, Mr. Marsh lead the development of the Southern and Western Plan and implementing Ordinances including stricter road-stripping standards; and

**WHEREAS**, Mr. Marsh coordinated the public review and approval of many significant rezoning cases, including: Chesdin Landing - a high-quality residential community with a golf course located on Lake Chesdin; and

**WHEREAS**, Mr. Marsh initiated the preparation of a village plan for the historic community of Matoaca; and

**WHEREAS**, with Mr. Marsh's leadership and involvement, significant development standards and planning ordinances were adopted by Chesterfield County, including: modern, countywide commercial development standards; design standards for developing areas including Route 360; improved Subdivision Ordinance, Sign Ordinance and electronic message center standards; manufactured home park zoning standards; strategy to improve older trailer courts; communication tower location and design standards; water quality standards for the Swift Creek watershed; and many other important actions; and

**WHEREAS**, Mr. Marsh, after significant study and homework, achieved the honor of Certified Planning Commissioner; and

**WHEREAS**, Mr. Marsh supported a new County program to protect rural property purchasers who intend to build a home on rural parcels; and

**WHEREAS**, Mr. Marsh excelled at working with citizens, developers, and County staff towards the development of high quality new subdivisions and communities for the benefit of future County residents; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Chesterfield County Planning Commission hereby recognizes and values the contributions of Mr. Harry L. Marsh to the Chesterfield County Planning Commission.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**D. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**03PS0322:** In Matoaca Magisterial District, **JIM ANDELIN** requested Planning Commission approval of a security plan, as required by Zoning Case 03SN0196. This project is commonly known as **METRO RICHMOND ZOO**. This request lies in an Agricultural (A) District on two (2) parcels totaling 49.4 acres fronting approximately 256 feet on the west line of Beaver Bridge Road. Tax IDs 695-663-8953 and 3026 (Sheet 22).

Mr. Jim Andelin, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission resolved that approval of a Security Plan for the Zoo, as required by Condition 5 of Zoning Case 93SN0196, for Case 03PS0322, Jim Andelin (Metro Richmond Zoo), shall be and it thereby was granted.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03PR0229:** In Clover Hill Magisterial District, **SCB&T** requested Planning Commission approval of a landscape plan and architecture, as required by Zoning Case 89SN0150. This project is commonly known as **SCB&T-WATERFORD**. This request lies in a Light Industrial (I-1) District on part of a 1.0 acre parcel fronting approximately 240 feet on the north line of Genito Road, also fronting approximately 85 feet on the east line of Charter Colony Parkway and located in the northeast quadrant of the intersection of these roads. Tax IDs 729-688-Part of 8969 and Part of 9256 (Sheets 9 and 10).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to a question from the Commission, Mr. Allen stated the subject proposal addressed only landscaping and architecture, not signage.

On motion of Mr. Gulley, seconded by Mr. Litton, resolved that approval of a landscape plan and architecture, as required by Zoning Case 89SN0150, for Case 03PR0229, SCB&T (SCB&T – Waterford), shall be and it thereby was granted, subject to the following condition and review comments:

#### CONDITION

Revised plans, which accomplish the following Review Comments, shall be submitted to the Planning Department for review and approval.

#### REVIEW COMMENTS

1. Staff recommends that the landscape plan be revised and resubmitted in accordance with the following:
  - a. Provide a note on the landscape plans stating: "Existing plant material within the front setbacks may be credited toward landscape requirements as determined in the field by an agent of the Planning Department. If insufficient vegetation exists, additional plant material will be required to satisfy landscape requirements. Prior to occupancy of the building, call the Planning Department to schedule an inspection of existing plant material.
  - b. The consultant has indicated that no exterior site lighting is proposed at this time. Should lighting be proposed in the future, the lighting plan and catalogue sheets for each type of fixture shall be submitted to the Planning Department and the Brandermill CARB for review and approval prior to installation of any exterior site lighting. The location of proposed site lighting shall be indicated on the landscape plan to ensure no conflicts exist between lighting locations and proposed trees. Provide documentation of the Brandermill CARB approval of site lighting.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03PR0237:** In Midlothian Magisterial District, **BARR AND ASSOCIATES** requested Planning Commission approval of a landscape plan, as required by Condition 15 of Zoning Case 80S092. This project is commonly known as **SOMMERVILLE LOT 33 – BARR**. This request lies in a Light Industrial (I-1) District on a 1.03 acre parcel fronting approximately 150 feet on the north line of Midlothian Turnpike, also lying approximately 710 feet from the intersection of N. Otterdale Road and Midlothian Turnpike and better known as 14361 Sommerville Court. Tax ID 722-709-4064 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved that approval of a landscape plan for the parking area for the proposed Sommerville Lot 33 – Barr site, as required by Condition 15 of Zoning Case 80S092, for Case 03PR0237, Barr & Associates (Sommerville Lot 33 - Barr), shall be and it thereby was granted.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03PR0268:** In Bermuda Magisterial District, **WENDY'S INTERNATIONAL, INC.** requested Planning Commission approval of a site plan, as required by Zoning Case 91SN0276. This project is commonly known as **WENDY'S - ROUTE 10/KINGSTON AVENUE**. This request lies in a Community Business (C-3) District on part of two (2) parcels totaling approximately 1.8 acres fronting approximately 200 feet on the south line of Route 10, also fronting approximately 400 feet on the east line of Kingston Avenue and located in the southeast quadrant of the intersection of these roads. Tax IDs 818-651-Part of 4759 and Part of 4821 (Sheet 27).

Mr. Allen presented an overview of the request and staff's recommendation for approval.

In response to questions from the Commission, Mr. Banks addressed concerns relative to the existing raised median in Kingston Avenue and submitted an additional condition, agreeable to the developer, which addressed those concerns.

Mr. Steve Worthington, the applicant's representative, accepted staff's recommendation, including the additional condition as submitted by Mr. Banks.

Mr. Gecker opened the discussion for public comment.

Mr. William Crafton, an area property owner, voiced support for the extension of the raised median and suggested additional alternatives to improving the existing area traffic problems.

Ms. Margarite Proper, an area property owner, addressed concerns relative to drainage, runoff, protection of the wetlands and environment and suggested/inquired if the applicant would consider keeping Kingston Avenue clear under the Adopt-A-Highway Program.

Mr. Stuart Hogue, a resident of Acouma Drive, addressed concerns relative to semi-truck traffic problems; illegal U-turns; the traffic volumes entering/exiting the Wendy's site; signage; relocation of Kingston Avenue; on-site dumpster location; drainage/runoff; architectural standards; and confirmation of the location of the centerline distance of Route 10 to the subject property.



There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Worthington addressed the issues raised by the previous speakers, including agreeing to relocate the dumpster to the front side of the site.

In response to questions from the Commission, staff addressed issues relative to extension of the raised median; protection of the wetlands and environment; semi-truck traffic problems; illegal U-turns; the traffic volumes entering/exiting the Wendy's site; signage; relocation of Kingston Avenue; on-site dumpster location; drainage/runoff; architectural standards; and confirmation of the location of the centerline distance of Route 10 to the subject property.

In response to questions from Mr. Cunningham, Mr. Allen provided language for an additional condition addressing additional landscaping to be installed around the BMP/SWM facility so that the facility would become a visual amenity.

Mr. Worthington accepted the additional condition regarding the additional landscaping to be installed around the BMP/SWM facility.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved that approval of the site plan for Case 03PR0268, Wendy's International, Inc. (Wendy's at Route 10 and Kingston Avenue), shall be and it thereby was granted, subject to the following conditions and review comments:

#### CONDITIONS

1. Plans shall be resubmitted for administrative review and approval in accordance with the review comments contained in the staff report.
2. The existing raised median in Kingston Avenue shall be extended south to the proposed access. The exact length of this improvement shall be approved by the Transportation Department.
3. Additional landscaping shall be installed around the BMP/SWM facility so that it becomes a visual amenity.

#### REVIEW COMMENTS

1. On the site plan, include a construction sequencing and maintenance of traffic narrative as part of the work area protection layout plan. The detailed work area protection layout plan is required for all construction activities within state maintained right of way. The requirements can be found in the "Virginia Work Area Protection Manual", dated 2002. (VDOT)
2. The Wendy's widening on Kingston Avenue will demolish the signal loop detection in the southeast quadrant. Three (3) loops will be required, one (1) for each outbound lane. Two (2) electrical junction boxes must also be replaced. Conduit from the new junction box must be relayed through an existing box and into the controller. An additional amplifier is required. An accounts receivable account for \$5,000 must be established to cover the expenses of the signal design work and inspection expenses. The physical work is to be performed by a

private signal contractor hired by the developer using the modified plans. Because VDOT does not subscribe to the Miss Utility System, all signal equipment may be located in the field by calling 796-4535 several days in advance of excavation in the area. (VDOT)

3. Prior to final site plan approval, one hundred feet of right of way on the south side of Route 10 measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. This is required by Zoning Condition 1 of Case 91SN0276. (T)
4. It is the responsibility of the applicant to comply with and/or acquire all applicable Federal and/or State permits in relationship to environmental features, including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more), ground water and air quality". Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
5. Revise structure 13 under the yard inlets to a minimum diameter of 12". (EE)
6. Provide the calculations used to determine the pre-developed flows used in the routing calculations. (EE)
7. Revise the outlet connectivity in the routing calculations to match the proposed SWM/BMP design. (EE)
8. Provide the stage-storage-discharge calculations for the SWM/BMP. (EE)
9. Provide a copy of the approved opt-out report referenced in the CBPA compliance note. (EE)
10. Provisions must be made in the erosion control narrative for conversion of the sediment trap into a SWM/BMP facility after the upstream areas are fully stabilized. (EE)
11. The outlet structure data input for the barrel pipe must match the proposed SWM/BMP design. Revise the routing calculations accordingly (invert elevations and length of pipe). (EE)
12. The name, "walk-in address" and telephone number of a local registered agent representing the owner for service of process must be provided prior to issuance of a land disturbance permit. (EE)
13. All onsite drainage easements including stormwater/BMP drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
14. The stormwater/BMP facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
15. A land disturbance permit is required for this project and the following are required prior to its issuance:

- a.) Substantial or full site plan approval
  - b.) A VDOT land use permit
  - c.) A letter must be received from a qualified wetlands expert stating:
    - 1) There are no wetlands impacted on this project, or
    - 2) The wetlands impacted are less than 0.1 acres and Corps of Engineers notification is not required, or
    - 3) All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted) and access boxes need to be screened or painted to match the building. If painted, this needs to be stated on the elevation.
16. The architecture of the building shall conform with the elevations submitted and received April 29, 2003, and shall be compatible with the East Coast Gas Station building as follows:
- a.) The standing seam metal roof shall match the color of the standing seam metal roof on the existing adjacent East Coast Gas Station.
  - b.) The colonial style cornice shall be similar.
  - c.) Brick color and grout shall be compatible.
  - d.) Windows shall have white frames and muntins. (P)
17. Subsequent to Planning Commission review, and prior to the release of the building permit, two (2) copies of the revised building elevations must be submitted to the Planning Department for approval in accordance with the Review Comments and Conditions of the Planning Commission approval. These elevations must be received separate of the construction document rolls which are submitted to the building inspections department.
- a.) Elevations need to identify all building materials and colors and show all junction and access boxes, mechanical equipment and utility pad fixtures that are on or immediately adjacent to the building.
  - b.) All junction and access boxes need to be screened or painted to match the building. If painted, this needs to be stated on the elevation.
  - c.) Mechanical equipment, whether rooftop or ground level, shall be shielded and screened from public view and must be designed to be perceived as an integral part of the building. Building elevations need to show any rooftop units. Parapets and/or screens must be equal in height to any rooftop units, or sight line drawings must be provided to document that lower parapet height provides complete screening.
18. Revise the lighting plan as follows:
- a.) Adjust location of proposed light pole located at the south end of the site to avoid the concrete curb inlet and storm pipe.
  - b.) Delete pole mounted floodlights. Lighting fixtures must be shoebox cut-off type. Building illumination may be accomplished with ground-mounted fixtures equipped with glare shields.

- c.) Wall mounted H.I.D. fixtures must also have ninety (90) degree cut off configuration or have shields to conceal the light source and/or reflectors and to reduce glare off-site. (P)
- 19. Subsequent to Planning Commission review, two (2) separate copies of revised lighting plan and cutsheets must be submitted directly to the Planning Department for approval in accordance with the Review Comments and Conditions of the Planning Commission approval. The lighting plan and accompanying catalogue sheets for all building-mounted and free-standing lights must be approved prior to the release of a building permit. The lighting plan should show the location of all light fixtures. (P)
- 20. Revise the landscape plan as follows:
  - a.) Coordinate location of trees and proposed lighting. A potential conflict exists with the light pole located at the south end of the site. This light pole will need to be relocated due to storm sewer conflict. Indicate all light pole locations on the landscape plan and adjust tree locations to provide a minimum of twenty (20) feet between the tree and the pole.
  - b.) Indicate north on the landscape plan.
  - c.) Label the seventy-five (75) foot buffer area on the landscape plan. (P)
- 21. Subsequent to Planning Commission review, and prior to the release of the building permit, two (2) copies of the revised landscape plan must be submitted to the Planning Department for approval in accordance with the Review Comments and Conditions of the Planning Commission approval. Prior to occupancy of the building, landscaping must be installed or bonded. (P)
- 22. Solid waste storage areas located within 1,000 feet of any A, R, R-TH or R-MF district shall not be serviced between the hours of 9:00 pm and 6:00 am. Such areas shall be posted with a sign not to exceed six (6) square feet stating hours that the dumpster may be serviced. In the site plan set, provide detail of this sign mounted to the gate exterior. (P)
- 23. Prior to release of the building permit, an irrigation and/or hose bib plan must be submitted to and approved by the Planning Department. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**E. FIELD TRIP AND DINNER.**

◆ **FIELD TRIP SITE SELECTION:**

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission set their Field Trip Agenda to visit the request site relative to Case 03SN0273, Shamrock LTD. LC, scheduled for consideration by the Commission in June 2003.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **DINNER LOCATION:**

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to meet for dinner at Lone Star Steakhouse and Saloon on Midlothian Turnpike.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

At approximately 4:04 p. m., Messrs. Litton, Gecker, Cunningham, Gulley, Stack and staff departed the Executive Meeting Room for their Field Trip and then dinner at the Lone Star Steakhouse and Saloon.

During dinner, there was discussion pertaining to rezoning and Conditional Use request sites.

**7:00 P. M. EVENING SESSION**

At approximately 7: 00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

**A. INVOCATION.**

Mr. Cunningham presented the invocation.

**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Messrs. Rudy Kahsar, Nathan Herchenrother, David Battiger, Keith Redinbaugh and Michael Horton, members of Boy Scout Troop 891, led the Pledge of Allegiance to the Flag.

**C. REVIEW MEETING PROCEDURES.**

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the June 17, 2003, agenda was comprised of nine (9) cases and the July 15, 2003, agenda had a total of fifteen (15) cases.

**D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order or presentation.

**E. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **REQUESTS FOR DEFERRAL BY APPLICANT.**

**02SN0145:** In Bermuda Magisterial District, **FRIDLEY'S WELDING SERVICE** requested deferral to August 19, 2003, of consideration for rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5) of 1.9 acres, amendment to zoning (Case 98S115) on 1.5 acres of existing C-5 and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 3.4 acres fronting approximately 450 feet on the west line of Jefferson Davis Highway, across from Gayland Avenue. Tax IDs 791-677-3297,

3392, 4189, 4284, 4379 and 4695 and 791-678-3418, 3513, 3608 and 3703 (Sheet 18).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the August 19, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 02SN0145 to the August 19, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0247:** In Dale Magisterial District, **BRUCE COBLE** requested deferral to August 19, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 21.6 acres fronting approximately 1,275 feet on the west line of Lewis Road, approximately 1,320 feet south of Iron Bridge Road. Tax ID 773-648-Part of 0618 (Sheets 25 and 33).

Mr. Brennen Keene, the applicant's representative, requested deferral to the August 19, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to defer Case 03SN0247 to the August 19, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**02SN0238:** In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to August 19, 2003, of consideration for amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of property which is commonly known as Greenspring's A. E. Howard tract. Specifically, the applicant desires to develop this 136.3 acre tract as a single development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage, erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 136.3 acres fronting approximately 1,200 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax ID 718-691-6889 (Sheet 9).

Mr. John Easter, the applicant's representative, requested deferral to the August 19, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 02SN0238 to the August 19, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0221:** In Bermuda Magisterial District, **JEFFREY D. AND JULIA BOWMAN** requested deferral to June 17, 2003, of consideration for rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 1.3 acres fronting approximately 165 feet on the south line of Old Hundred Road, 290 feet on the east line of Harrowgate Road and 210 feet on the west line of Percival Street and is located at the intersection of these roads. Tax IDs 789-654-1548 and 2755 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the June 17, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 03SN0221 to the June 17, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0224:** In Bermuda Magisterial District, **ABILENE MOTOR EXPRESS** requested deferral to June 17, 2003, of consideration for rezoning and amendment of zoning district map from Residential (R-7) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial and light industrial use. This request lies on 4.6 acres fronting approximately 360 feet on the north line of Willis Road and approximately 290 feet on the east line of Germont Avenue and located in the northeast quadrant of the intersections of these roads. Tax IDs 796-671-9098, 796-672-9113 and Part of 9454 and 797-672-0506 and 0743 (Sheet 18).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the June 17, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 03SN0224 to the June 17, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.**

**02SN0237:** (Amended) In Dale and Matoaca Magisterial Districts, **ROPER BROTHERS LUMBER CO., INC. AND NASH ROAD/WOODPECKER ROAD, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) of 620.9 acres and proffered conditions on an existing zoned Residential (R-25) 872 acre tract. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on 1,492.9 acres fronting approximately 3,100 feet on the west line of Cattail Road, approximately 1,100 feet north of Reedy Branch Road; also fronting approximately 9,600 feet on the north line of Woodpecker Road, across from Cattail Road; also fronting approximately 5,000 feet on the south line of Woodpecker Road, approximately 3,500 feet east of Nash Road. Tax IDs 761-643-6618, 764-639-4424 and 768-646-Part of 4472 (Sheets 25 and 33).

Mr. Stack stated he wished to defer Case 02SN0237 to the June 17, 2003, Planning Commission public hearing so outstanding issues relative to the applicant's impacts on capital facilities and traffic on existing roads could be addressed.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, concurred with Mr. Stack's deferral of the request.

Mr. Charles Scott, a resident of The Highlands Subdivision, stated he had no objection to the deferral but he did have some questions he would like to discuss.

Messrs. Stack and Litton stated they would be glad to meet with Mr. Scott to discuss his concerns and answer any questions he may have.

The following motion was made at Mr. Stack's request.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 02SN0237 to the June 17, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0214:** In Matoaca Magisterial District, **JAMES M. BLALOCK** requested amendment to Conditional Use Planned Development (Case 95SN0307) and amendment of zoning district map relative to uses, hours of operation, gross floor area and parking setbacks for property known as Tract 6. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 6.5 acres lying approximately 1,340 feet off the north line of Genito Road, measured from the intersection of Genito and Woolridge Roads. Tax ID 719-687-Part of 2732 (Sheet 9).



Mr. Stack stated he wished to defer Case 03SN0214 to the June 17, 2003, Planning Commission public hearing to allow area residents and the applicant to continue their discussions regarding the residents' concerns.

Mr. James M. Blalock, the applicant, concurred with Mr. Stack's deferral of the request.

There was no opposition to the deferral.

The following motion was made at Mr. Stack's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission, on their own motion, resolved to defer Case 03SN0214 to the June 17, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**03SN0243:** In Clover Hill Magisterial District, **13800 HULL STREET ASSOCIATES, L.L.C.** requested rezoning and amendment of zoning district map from Light Industrial (I-1) to Corporate Office (O-2) and Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 8.0 acres fronting approximately 525 feet on the north line of Hull Street Road, approximately 200 feet west of Harbour View Court, also lying approximately 350 feet west of the terminus of Harbour View Court. Tax IDs 727-673-1442 and 4313 (Sheet 15).

Ms. Ashley Harwell, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the resolved to recommend approval of Case 03SN0243 and acceptance of the following proffered conditions:

**PROFFERED CONDITIONS**

The Owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 727-673-4313 and 727-673-1442 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-2 and O-2 is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. **Buffers.** A fifty (50) foot buffer shall be provided along the northern property line adjacent to Tax ID 727-673-3980. This buffer shall comply with the requirements of the Zoning Ordinance

for fifty (50) foot buffers, except that no trees greater than two (2) inches in caliper shall be removed from the buffer except as necessary to permit the installation of utility lines running generally perpendicular through the buffer, unless the Planning Commission, at the time of site plan review, approves the removal of trees greater than two (2) inches in caliper provided that other measures are taken to preserve the intent to maintain trees of greater than two (2) inches in caliper. Nothing herein shall limit the removal of diseased, dying or dead vegetation from the buffer. (P)

2. Building Height.

- a. Within the Neighborhood Business (C-2) portion of the Property, buildings shall not exceed a height of two (2) stories or thirty (30) feet, whichever is less, except that an entrance feature may be up to forty (40) feet in height.
- b. Within the Corporate Office (O-2) portion of the Property, any building or portion of a building that is located within 125 feet of the northern property line adjacent to Tax ID 727-673-3980 shall not exceed a height of one (1) story or twenty-four (24) feet, whichever is less. Within the Corporate Office (O-2) portion of the Property, any building or portion of a building that is located greater than 125 feet from the northern property line adjacent to Tax ID 727-673-3980 shall not exceed a height of two (2) stories or thirty (30) feet, whichever is less. (P)

3. Building Location. Within the Corporate Office (O-2) portion of the Property, no buildings, parking or driveway facilities shall be located closer than seventy-five (75) feet from the northern property line adjacent to Tax ID 727-673-3980. Parking and driveways that serve any building or portion of a building located within 125 feet of the northern property line adjacent to Tax ID 727-673-3980 shall be located south of such building. At the time of site plan review, the Planning Commission may modify this condition if it is determined that the employment of measures such as landscaping, grading or other design features will effectively minimize the visibility of parking areas from the Watch Hill Subdivision. (P)

4. Signage. Each freestanding sign shall be a monument style sign and the shape of the sign face shall not be a uniform rectangle or square, but rather shall have a shape similar to the sign faces for the outparcels located within Harbour Pointe Shopping Center. The base/structure of each monument sign shall be constructed of the same material and colors as the building to which the sign refers. (P)

5. Lighting.

- a. Within the Neighborhood Business (C-2) portion of the Property, freestanding parking lot lights shall not exceed twenty (20) feet in height and shall have a shoebox design.
- b. Within the Corporate Office (O-2) portion of the Property, freestanding parking lot lights shall not exceed twelve (12) feet in height, shall have a shoebox design, and shall be sodium vapor unless the Planning Commission, at the time of site plan review, approves an alternative to sodium vapor lighting which will not adversely affect adjacent properties. Except for security lighting at building entrances and exits, there shall be no exterior building mounted lighting in the Corporate Office (O-2)

portion of the Property within 100 feet of residentially zoned property, excluding Tax IDs 727-673-3980 (Brandermill Development Company Limited Partnership) and 727-673-1202 (Clover Hill Fire Station). (P)

6. Prohibited Uses.

- a. The following uses shall not be permitted within the Neighborhood Business (C-2) portion of the Property:
  - i. Churches and/or Sunday schools;
  - ii. Funeral homes or mortuaries;
  - iii. Rest, convalescent or nursing homes and other group care facilities; and
  - iv. Automobile self-service stations.
- b. The following uses shall not be permitted within the Corporate Office (O-2) portion of the Property:
  - i. Churches and/or Sunday schools;
  - ii. Convalescent homes, nursing homes and rest homes;
  - iii. Group care facilities; and
  - iv. Funeral homes or mortuaries. (P)

7. Number of Buildings. No more than three (3) freestanding buildings shall be developed on the Property. (P)

8. Access to Route 360. The existing driveway access to Route 360 for the Property shall be closed. Then, the Property shall be permitted one (1) direct access to Route 360. The exact location of this access shall be approved by the Transportation Department. (T)

9. Road Improvements. To provide an adequate roadway system, the Owner shall be responsible for the following:

- a. Construction of an additional lane of pavement along Route 360 for the entire Property frontage.
- b. Construction of additional pavement along Route 360 at the approved access, if constructed, to provide a separate right turn lane based on Transportation Department standards.
- c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

10. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)

11. Timbering. With the exception of timbering which has been approved by the Virginia State

Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

12. Architectural Compatibility.

- a. Within the Neighborhood Business (C-2) portion of the Property, all buildings shall be compatible in architectural style, colors and materials to building(s) on Tax IDs 727-673-6256 (commonly known as Harbour View Professional Center) and 727-673-7830 (commonly known as BB&T). Roofs shall be standing seam metal. All visible rooflines shall have a pitch substantially similar to that used on Tax IDs 725-672-9524 and 8118 (commonly known as Walgreen's at Hull Street Road and Temie Lee Parkway), unless modified by the Planning Commission at the time of site plan review.
- b. Within the Corporate Office (O-2) portion of the Property, all buildings shall be compatible in architectural style, colors and materials to building(s) on Tax ID 727-673-2763. All visible rooflines shall be pitched substantially similar to the pitch used on Tax ID 727-673-2763 and shall be dimensional architectural shingles substantially similar in color to roofs on buildings on Tax ID 727-673-2763. (P)

13. Landscaping. In conjunction with the installation of the required perimeter landscaping within the Corporate Office (O-2) portion of the Property, Leyland Cypress trees, or other similar evergreen approved by the Planning Commission at the time of site plan review, shall be installed parallel to the northern property line adjacent to Tax ID 727-673-3980 and in continuation with and spaced substantially similar to the existing row of Leyland Cypress trees located east of the Property on Tax ID 727-673-2763. This landscaping requirement is in addition to the perimeter landscaping requirement specified in the Zoning Ordinance. (P)

14. Site Plan Approval. Site plans shall be submitted to the Planning Commission for review and approval. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0250:** In Dale Magisterial District, **GREGORY BABINAT AND VICKI BABINAT** requested Conditional Use and amendment of zoning district map to permit a two (2) family dwelling in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 1.3 acres and is known as 5140 Jessup Road. Tax ID 775-686-7274 (Sheet 11).

Mr. Gregory Babinat, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0250, subject to the following conditions:

## CONDITIONS

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit; individuals related to them by blood, marriage, adoption or guardianship; foster children; guests; and any domestic servants. (P)
2. For the purposes of providing record notice, within thirty (30) days of the approval of this request:
  - a. An instrument titled "notice of zoning restriction" shall be recorded with the property owner indexed as "grantor" and setting forth the limitations of Conditions 1 and 2; and
  - b. The deed book and page number of such notice and a copy of the notice as recorded shall be submitted to the Planning Department. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

### ◆ CODE AMENDMENT RELATING TO:

- FEEES FOR ZONING, SPECIAL EXCEPTION, VARIANCE AND OTHER PLANNING APPROVALS.

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-25 relating to application fees for zoning, special exception, variance and other planning approvals.

◆ ◆ ◆

Mr. Larson presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposed Code Amendment.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Section 19-25 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

### **Sec. 19-25. Fees.**

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

o o o

- (d) Special exceptions:
- (1) Manufactured home, temporary:
    - a. New . . . 550.00
    - b. Renewal . . . 250.00
  - (2) All others ~~... 1,250.00~~ :
    - a. Where all activity associated with the request, except for the parking of passenger vehicles, is confined to the living area of a dwelling . . . 1,000.00
    - b. Where any activity associated with the request, except for the parking of passenger vehicles, is not confined to the living area of a dwelling . . . 1,500.00

~~Plus, per acre . . . 30.00~~
- (e) Amend condition of special exception:
- (1) Per first two conditions . . . ~~400.00~~ 600.00
  - (2) Each condition thereafter . . . ~~100.00~~ 150.00
- (f) Variances, setback, request to BZA:
- (1) ~~Variance for f~~ First ordinance section or subsection varied from . . . ~~250.00~~ 200.00
  - (2) Each additional ordinance section or subsection varied from . . . ~~150.00~~ 100.00
- (g) Variances, administrative:
- (1) ~~Variance for f~~ First ordinance section or subsection varied from . . . ~~250.00~~ 200.00
  - (2) Each additional ordinance section or subsection varied from . . . ~~150.00~~ 100.00
- (h) Variances, all other:
- (1) For any R, R-TH, R-MF, MH or A use:
    - (1) a. ~~Variance for f~~ First ordinance section or subsection varied from . . . ~~600.00~~ 300.00
    - (2) b. Each additional ordinance section or subsection varied from . . . ~~150.00~~ 100.00

(2) For any O, I, or C use:

a. First ordinance section or subsection varied from . . . 600.00

b. Each additional ordinance section or subsection varied from . . . 100.00

(i) Appeal to board of zoning appeals pursuant to section 19-21 . . . ~~500.00~~ 800.00

o o o

(2) *That this ordinance shall become effective on July 1, 2003*  
(1923:61460.2 Revised 06/03/03 2:11 p.m.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

- **BUILDING PERMIT RESTRICTIONS AND RELIEF FROM LEGAL REMEDIES FOR VIOLATIONS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 17-2 relating to Subdivision Definitions, Section 17-6 relating to Building Permit Restrictions and Section 17-12 relating to Relief From Legal Remedies for Violations.

◆ ◆ ◆

Mr. David Hainley presented an overview of the proposed Code Amendment and staff's recommendation.

Messrs. George Connor and Randell Hardy, residents of Hylton Park Subdivision, voiced support for the proposal.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 17-2, 17-6 and 17-12 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

#### **Sec. 17-2. Definitions.**

The definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

o o o

*Plat, validation:* A plat used to correct improper recordation or subdivision as set forth in section 17-12(c) through 17-12(f).

o o o

## Sec. 17-6. Building permit restrictions.

o o o

(f) Parcels and/or lots recorded prior to January 1, 1980 shall be considered buildable if they meet all standards relative to the appropriate zoning district. If frontage and width standards cannot be met, the parcel or lot is eligible to apply for a variance. Lots or parcels created or modified from April 13, 1948 to January 1, 1980 shall be considered buildable if they are validated per provisions of sections 17-12 (c) through 17-12(f).

(g) Parcels recorded between January 1, 1980 and August 24, 1988, shall be considered buildable if:

- 1) The parent parcel was only split once into two parcels, each meeting all zoning standards, or
- (2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel or lot is eligible to apply for a variance, or
- (3) The parent parcel was split several times into "exemption lots" whereby each lot has a minimum of 30,000 square feet and a minimum of 125 feet of frontage, provided that 75 feet from the center line of the street the parcel width measures a minimum of 150 feet. The last parcel remaining may meet the minimum standards relative to that zoning district, or
- (4) Lots or parcels are validated per provisions of sections 17-12 (c) through 17-12(f).

(h) Parcels recorded between August 25, 1988 and June 22, 1993, shall be considered buildable if the utilities and health departments confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic, and:

- (1) The parent parcel was only split into parcels containing a minimum of five acres and a minimum of 200 feet of frontage and a minimum of 150 feet of width at the required minimum building setback or building location, or
- (2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel is eligible to apply for a variance, or
- (3) ~~The utilities and health department confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic.~~ Lots or parcels are validated per provisions of sections 17-12 (c) through 17-12(f).

(i) Parcels recorded between June 23, 1993 and June 30, 1999, shall be considered buildable if the utilities and health departments confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic, and:

- (1) The parent parcel was only split into parcels containing a minimum of five acres and a minimum of 300 feet of frontage or 250 feet of frontage if there is a shared common access



and a minimum of 150 feet of width at the required minimum building setback or building location, or

(2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel or lot is eligible to apply for a variance-, or

(3) Lots or parcels are validated per provisions of sections 17-12 (c) through 17-12(f).

(j) Parcels recorded between July 1, 1999 and February 28, 2001, shall be considered buildable if the utilities and health departments confirm that the parcel complies with the utility connection requirements or the increased bulk standards related to the usage of well and septic, and:

(1) The parent parcel was only split into parcels containing a minimum of five acres and a minimum of 300 feet of frontage or 250 feet of frontage if an access shared by no more than two lots or parcels is used, for a depth of 1,000 feet or that necessary to create a five acre parcel. Access to the lots or parcels shall be from the location of the frontage, or

(2) The parent parcel was split for immediate family members. If all zoning standards cannot be met, the parcel or lot is eligible to apply for a variance-, or

(3) Lots or parcels are validated per provisions of sections 17-12 (c) and 17-12(f).

o o o

#### **Sec. 17-12. Legal remedies for violations.**

o o o

(c) Plats recorded prior to February 28, 2001 that created or modified parcels or lots in violation of the Subdivision Ordinance in effect at the time of recordation are hereby deemed to be in compliance with the requirements of the subdivision ordinance.

(d) Prior to the issuance of a building permit on a lot or parcel identified in section 17-12 (c), the owner must comply with the following:

(1) The property owner shall submit an application for preparation of a validation plat, provide the county with a copy of the previously recorded plat of the subject property and participate in the recordation of a validation plat. If there is no existing plat, the owner shall have a plat prepared to present to the county depicting the overall boundary of the parcel or lot and any improvements thereon. The property owner shall be responsible for applicable recordation fees.

(2) The lot or parcel must contain no new property divisions done after February 28, 2001, and

- (i) must meet all area and dimensional and requirements such as, but not limited to lot area, lot width, lot coverage, setbacks, building height and frontage for the applicable zoning district at the time it was created, or
  - (ii) the property owner secures relief through the variance or the zoning process as applicable.
- (e) The planning department shall prepare a validation plat that includes the following matters:
  - (1) The plat sheet(s) shall be 16 inches by 24 inches or in another form accepted by the clerk of the circuit court.
  - (2) Complete names of all owners of the property.
  - (3) Property county tax identification number(s).
  - (4) A scanned image of any available signed and sealed plat previously prepared by a certified professional engineer as applicable or land surveyor.
  - (5) A notarized subdivision certificate stating:  
"The recordation of this plat depicting property hereto described below is with the free consent and in accordance with the desire of the undersigned owner(s). This plat may have been prepared without a full title search and may not depict all existing easements and encumbrances."  
(Insert deed or plat book and page reference)
  - (6) The following information shall be noted on the plat:
    - (i) zoning classification(s), and applicable variance and or zoning case number(s)
    - (ii) type of wastewater and water service
    - (iii) total subdivision acreage
    - (iv) depiction of the lot or parcel from current county maps
  - (7) One of the following notes as applicable indicating the purpose and action taken by the recordation of the plat:
    - (i) This plat depicts a (lot/parcel) that was created in violation of the provisions of the subdivision ordinance in place at the time of recordation, or
    - (ii) This plat depicts a lot that was modified in violation of the provisions of the subdivision ordinance in place at the time of recordation.

- (8) The following note shall be shown on the plat:

Advisory certificate "The mapping information is not intended to represent all topographic and environmental features on the lot or parcel which could limit or preclude buildability. Additional engineering research on such items as, but not limited to: soil type, wetlands, floodplains, adequate culverts for driveways crossings of streams or floodplains, etc. may be required based upon individual parcel requirements at time of building permit review."

- (f) The following procedure shall be followed for preparation and recordation of the validation plats:

- (1) The property owner shall submit a copy of the mortgage or survey plat for the property depicting the limits of the property and any improvements thereon to the director of planning.
  - (2) Within five working days after submittal, an authorized staff member of the planning department shall scan the plat and prepare the validation plat as noted in section 17-12(e) and advise the property owner that the plat is ready for their signature which shall serve as authorization to record the plat. If the clerk of the circuit court authorizes the use of electronic signatures, the applicant may submit the signature when the plat is provided to the planning department.
  - (3) After the property owner signs the plat, the director of planning shall sign the plat and have it recorded in the clerk's office of the circuit court of the county.
  - (4) One copy of the plat will be forwarded to GIS and one copy will be returned to the property owner.
  - (5) After recordation, any building permit approvals being withheld by the planning department solely based upon platting issues shall be released and GIS shall remove any intervening prior property lines from county maps and assign a single property identification number.
- (2) *That this ordinance shall become effective immediately upon adoption.*  
(1923:61212.1 Revised 04/07/03 1:33 p.m.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**03SN0119:** In Bermuda Magisterial District, **JOHN G. "CHIP" DICKS** requested rezoning and amendment of zoning district map from Agricultural (A), Residential (R-7) and Corporate Office (O-2) to Multifamily Residential (R-MF). Residential use of up to ten (10) units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use: corporate office, multifamily residential of seven (7) to ten (10) units per acre and single family residential use of 1.01 to 2.5 units per acre.

This request lies on 27.6 acres fronting approximately 265 feet on the north line of West Hundred Road approximately 200 feet west of Womack Road, also fronting approximately 585 feet on the west line of Womack Road approximately 380 feet north of West Hundred Road. Tax IDs 785-653-5567, 7929, 9019 and 9629; 785-654-Part of 5817 and 7621; 786-653-0382; and 786-654-0329 (Sheet 26).

Ms. Rogers presented an overview of the request and staff's recommendation for approval, including the Addendum, subject to the applicant reducing the total number of units to 211.

Mr. John G. "Chip" Dicks, the applicant, did not accept staff's recommendation, noting the applicant preferred approval of the requested 216 total number of units versus staff's recommended 211. He stated area residents supported the request, as submitted, and that the proffered conditions were based upon approval of 216 units. He further referenced a letter from the developer provided to members of the Chester Community Association outlining commitments to area residents.

Mr. Gecker opened the discussion for public comment.

Ms. Phyllis Bass, Vice President of the Chester Community Association, voiced support for the proposal, including the 216 units, but indicated that support of this request should not be viewed as support for additional requests for apartments in Chester.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gecker indicated the County had no authority to enforce commitments submitted in the letter referenced by Mr. Dicks.

In response to staff and Commission concerns, the applicant proffered an additional condition that site plans would be submitted to the Planning Commission for review and approval.

Mr. Cunningham indicated the applicant had addressed area residents' concerns and he felt approval of the request, as submitted, was appropriate.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0119 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Prior to any final site plan approval, one hundred (100) feet of right-of-way on the north side of Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. No direct access shall be provided from the Property to Route 10. This condition shall not preclude the provision of an emergency access from the Property to Route 10. (T)
3. Direct access from the Property to the north/south major arterial ("Womack Road Extended") shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)

4. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
- a. Construction of an additional lane of pavement along the westbound lanes of Route 10 for the entire Property frontage.
  - b. Reconstruction/construction of two (2) lanes of Womack Road Extended to a twenty-four (24) foot wide pavement section with eight (8) foot wide shoulders, with modifications approved by the Transportation Department, from Route 10 to the approved access.
  - c. Construction of the Womack Road Extended intersection with Route 10 as a three lane section consisting of a northbound lane and two southbound lanes. The exact length of this improvement shall be approved by the Transportation Department.
  - d. Closing the existing crossover on Route 10 located east of the Womack Road Extended intersection and construction of a new crossover, including left turn lanes along both the eastbound and westbound lanes, on Route 10 at the Womack Road Extended intersection. If the Virginia Department of Transportation does not approve the closing of the existing crossover and constructing the new crossover, the Developer shall be relieved of these requirements, and shall then be required to provide adequate left turn lanes, as determined by the Transportation Department, at the existing crossovers on Route 10 located just east and west of the Womack Road Extended intersection.
  - e. Construction of additional pavement along Route 10 at the Womack Road Extended intersection to provide a right turn lane.
  - f. Construction of a sidewalk along the north side of Route 10 from the Womack Road Extended intersection, west to the western property line of the Property.
  - g. Construction of additional pavement along Womack Road Extended at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
  - h. Replacement of any of the existing trees in the median of Route 10 that are removed by the construction of the new crossover and turn lanes, as described in Proffered Condition 4.d. Two (2) replacement trees shall be installed for every existing tree that is removed. Unless otherwise approved by the Transportation Department, replacement trees (1) shall be installed in the Route 10 median, east and/west of the new crossover location; (2) shall have a minimum of three (3) inch caliper; and (3) shall be from the list of approved plantings by the Virginia Department of Transportation ("VDOT"). The exact species, size and location shall be approved by the Transportation Department.
  - i. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way

(or easements) required for the improvements identified above. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements identified in Proffered Condition 4.e, 4.f and 4.g, the Developer may request, in writing, the County to acquire such right-of-way as public road improvements. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvements that can be accommodated within the available right-of-way, as determined by the Transportation Department. (T)

5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department. (T)
6. Pedestrian access shall be provided from the Property to the Chester Linear Park. The exact location this access shall be approved by the Parks and Recreation Department. (P&R)
7. The public water and wastewater systems shall be used. (U)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Prior to any site plan approval, an access easement, acceptable to the Planning and Transportation Departments, shall be recorded from Womack Road Extended, across the Property, to adjacent properties to the north. (P & T)
10. The total number of dwelling units on the Property shall not exceed 216. (P)
11. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Law, and applicable federal, state, or local legal requirements, at least thirty-two (32) dwelling units shall be restricted to "housing for older persons: as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled there ("Senior Housing"). Senior housing shall be clustered in an area on the northern part of the Property and each unit shall be noted as such on the site plan. (P)
12. Each dwelling unit shall have washer and dryer hook-ups. (P and BI)
13. The architectural style of the buildings shall incorporate the craftsman features as generally depicted on the renderings (the "Renderings") prepared by Cline Design Associates, P.A. (P)
14. Recreational facilities shall include at a minimum a clubhouse, fitness room, a swimming pool and a playground. (P)
15. Stormwater shall be retained on-site based on the post development 10-year storm rates and

released at a rate no greater than the pre-development 2-year storm rates. (EE)

16. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield for infrastructure improvements within the service district for the Property for the dwelling units on the parcels of the subject request as provided herein. Payment shall be made prior to the issuance of building permit.

For "Elderly Housing",

- a. \$4,815 per dwelling unit, if paid prior to January 1, 2004. At the time of payment, the \$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks, \$324 for libraries, \$346 for fire stations, and \$3,547 for roads; or
- b. The amount approved by the Board of Supervisors not to exceed \$4,815 per dwelling unit, allocated pro-rata as set forth above, adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after December 31, 2003.

For "Non-elderly Housing",

For each "Non-elderly Housing" dwelling unit in excess of 41 exempted units, excluding any elderly housing units, on Tax Parcel ID Numbers (i) 7856547621; (ii) 7856545817 (part); (iii) 7866530382, and (iv) 7866540329, and for all "Non-elderly Housing" dwelling units on the remaining parcels:

- a. \$9,000 per dwelling unit, as defined above, if paid prior to January 1, 2004; or
- b. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit, as defined above, adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after December 31, 2003.

In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

17. Provided right of way is available, trees shall be installed along the north side of Route 10 from the Womack Road Extended intersection to the western property line. These trees shall comply with Section 19-518(h)(i) of the Zoning Ordinance relative to spacing, caliper and species. A plan depicting this requirement shall be submitted for review and approval by the Planning Department in conjunction with site plan review. (P and T)
18. Site plans shall be submitted to the Planning Commission for review and approval. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0159:** In Matoaca Magisterial District, **VERIZON WIRELESS** requested Conditional Use Planned Development and amendment of zoning district map to permit a communications tower with height and setback exceptions in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots. This request lies on 3.7 acres fronting approximately 375 feet on the north line of Trents Bridge Road, also fronting approximately 375 feet on the west line of River Road and is located in the northwest quadrant of the intersection of these roads. Tax ID 754-624-6621 (Sheet 40).

Ms. Orr presented an overview of the request and staff's recommendation denial, noting the request neither complied with the Public Facilities Plan nor the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations.

Mr. Chuck Rothenberg, the applicant's representative, did not accept staff's recommendation, noting the existing tower had been in this location for a long time, was non-conforming and would not have a negative impact on the existing residential area.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Stack stated, while he was not generally supportive of expanding non-conforming towers in the vicinity of residential development, he was supportive of this request because the tower had existed in the area for a long period of time without any adverse impact to the community and there was a need for better service in rural areas.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0159, subject to the following condition and acceptance of the following proffered conditions:

#### CONDITION

In conjunction with the granting of this request, the following exceptions shall be granted:

- A. An eleven (11) foot exception to the 100 foot front yard setback requirement; and
- B. A seventy-five (75) foot exception to the 150 foot height limitation in an Agricultural (A) District. (P)

#### PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner/applicant, the proffers shall immediately be null and void and of no further force or effect.



1. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. Prior to attaching its antennas onto the existing tower, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of an electrical permit, the study if required, shall be submitted to and approved by, the Chesterfield County Communications and Electronics staff. (GS)
2. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
3. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
4. There shall be no signs permitted to identify this use. (P)
5. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and permanent accessory ground mounted equipment or structures from adjacent properties as provided in Condition 7 below. Prior to attaching its antennas on the existing tower, the owner/developer shall submit a detailed plan depicting this requirement to the Planning Department for approval. (P)
6. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment; provided, however, that nothing contained herein shall require the screening of the tower or tower-mounted equipment. (P)
7. Supplemental landscaping between the permanent shelter and the southern and eastern property boundaries of the property shall be provided as shown on Sheet L-1 of the conceptual plan entitled "Lake Chesdin Co-Locate Existing 215' Self-Support Tower, 10501 River Road, Matoaca, VA, Chesterfield County", prepared by Clark Nexsen dated September 13, 2002 and filed with this request. (P)
8. Lighting during daylight hours shall be limited to medium intensity strobe lights with upward reflection and lighting during night-time hours shall be limited to soft blinking lights with upward reflection. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**03SN0201:** In Dale Magisterial District, **LANCO CORPORATION** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 2.5 units per acre. This request lies on 46.4 acres fronting approximately 1,400 feet on the north line of Kingsland Road, also fronting approximately 1,570 feet on the east line of Salem Church Road and located in the northeast quadrant of the intersection of these roads. Tax ID 779-673-Part of 4929 (Sheet 18).

Ms. Orr presented an overview of the request and staff's recommendation for approval, subject to Proffered Conditions 10 and 11 relative to group homes being amended.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation relative to amendment of Proffered Conditions 10 and 11 relating to group homes. He stated area residents' concerns had been resolved and he felt approval of the request was appropriate.

No one came forward in support of, or opposition to, the proposed request.

There was discussion relative to the State Code prohibiting local land use regulation of group homes.

In response to a question from Mr. Gecker, Mr. Scherzer stated he was agreeable to the Commission recommending that Proffered Conditions 10 and 11 relative to group homes being amended.

Mr. Litton stated his motion would be to accept the proffered conditions, as outlined in the "Request Analysis," except that the language in Proffered Conditions 10 and 11.b. regarding group homes not be included.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0201 acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
  - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
  - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
  - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. The maximum density of this development shall not exceed ninety (90) lots. (P)

4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Direct access from the property to Kingsland Road and to Salem Church Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. (T)
6. Prior to tentative subdivision approval, revised centerlines for Kingsland Road based on VDOT Urban Minor Arterial Standards (50 MPH) and for Salem Church Road based on VDOT Urban Collector Standards (40 MPH), with any modifications approved by the Transportation Department, shall be submitted to and approved by the Transportation Department. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the north side of Kingsland Road and thirty-five (35) feet of right-of-way along the east side of Salem Church Road, measured from the approved revised centerlines of that part of the roadways immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
  - a. Construction of additional pavement along Kingsland Road and along Salem Church Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
  - b. Widening/improving the north side of Kingsland Road and the east side of Salem Church Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with any modifications approved by the Transportation Department, for the entire property frontage.
  - c. Clearing/grading in the southwestern corner of the property to provide adequate sight distance for drivers traveling westbound on Kingsland Road approaching the Kingsland Road/Salem Church Road intersection, as determined by the Transportation Department at time of construction plan review.
  - d. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
8. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation

Department. (T)

9. Manufactured homes shall not be permitted. (P)
10. Family daycare homes (providing care to more than five (5) children) or group care facilities shall not be permitted. (P)
11. The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat:
  - a. No manufactured homes, as defined by the Code of Virginia, shall be allowed to become a residence, temporary or permanent.
  - b. No family daycare homes (providing care to more than five (5) children) or group care facilities, as defined by the Chesterfield County Code, shall be permitted in any dwelling unit. (P)
12. The minimum gross floor area for one story dwelling units shall be 1700 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. A maximum of thirty (30) homes shall be permitted to have a gross floor area of less than 2,000 square feet. (BI & P)
13. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
14. A fifteen (15) foot tree preservation strip, exclusive of required yards, shall be maintained along the eastern property line adjacent to GPIN 780-672-2584 and 780-673-2415, and 2566. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)
15. In conjunction with the recordation of the initial subdivision plat, a public access easement, of approximately thirty (30) feet in width along Reedy Branch Creek, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this easement shall be approved by the Parks and Recreation Department. (P&R)
16. Development on the Property shall be phased as follows:
  - a) No more than a cumulative total of forty (40) lots shall be recorded prior to July 1, 2004.
  - b) No more than a cumulative total of sixty-five (65) lots shall be recorded prior to July 1, 2005.
  - c) No more than a cumulative total of ninety (90) lots shall be recorded prior to July 1, 2006. (P)

17. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:

A. Proposed Declaration of Protective Covenants:

1. No Lot shall be used except for residential purposes.
2. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
3. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
4. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
  - A. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
  - B. No fence or hedge shall generally be permitted higher than 42 inches of any Lot.
  - C. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
5. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
6. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
7. No use shall be made of any Lot, or any part thereof which constitutes a

nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.

8. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph 2.
9. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
10. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
11. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
12. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
13. No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
14. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph 2.
15. Any one or more of the covenants or restrictions imposed by paragraphs 1 through 14 above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
16. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
17. Invalidation of any one of the provisions of these restrictions by judgment,

court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.

18. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
19. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
20. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
21. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Bendahl Valley Homeowner's Association" or a similar name (the "Association").
  - A. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
  - B. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
  - C. Each year the Board of Directors shall prepare an annual budget

(the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.

- D. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
- E. Any Annual Assessment or Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

- 22. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)



AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

**F. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Stack, seconded by Mr. Cunningham, that the meeting adjourned at approximately 8:06 p. m. to June 17, 2003, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

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Chairman/Date

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Secretary/Date